

## PUBLIC HEALTH DEPARTMENT[641]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of 1996 Iowa Acts, chapter 1212, section 5, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 177, “Health Data,” Iowa Administrative Code.

The rules in Chapter 177 describe the Department’s ability to collect and provide access to health information, including inpatient, outpatient and ambulatory data. These proposed amendments allow patient names to be collected, which will enable Department programs to more reliably link vital records, Medicaid and other databases with the inpatient and outpatient databases to assess patient care and outcomes. Personal identifiers and demographic information (e.g., social security number, address, age, sex) are already part of the inpatient and outpatient data sets of the Department. For a large portion of records, however, some or all of these identifiers are missing or entered incorrectly. These proposed amendments will allow unique identifiers to be created for patients that protect personal identity but still allow important research and surveillance to be completed across health care settings, including the study of readmission patterns, cost of care, emergency care, and patient transfers between health care settings. Confidentiality of patient identity will continue to be ensured through the use of secure computer software and hardware, the limiting of access to files with patient identifiers, staff training, and signed confidentiality agreements for those who wish to access data. In addition, these proposed amendments update the implementation sentence of Chapter 177 and rescind the definitions of “contractor” and “payor.”

Any interested person may make written comments or suggestions on the proposed amendments on or before April 5, 2016. Such written comments should be directed to Betsy Richey, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to [betsy.richey@idph.iowa.gov](mailto:betsy.richey@idph.iowa.gov).

Also, a public hearing will be held on Tuesday, April 5, 2016, from 2 to 3 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. The public hearing will originate from Room 518 on the fifth floor of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa.

Any persons who intend to attend the public hearing and need an Americans with Disabilities Act (ADA) accommodation should contact the Department of Public Health and specify the type of accommodation required.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 1996 Iowa Acts, chapter 1212, section 5 and Iowa Code section 135.166.

The following amendments are proposed.

ITEM 1. Rescind the definitions of “Contractor” and “Payor” in rule **641—177.2(76GA,ch1212)**.

ITEM 2. Adopt the following **new** subrule 177.3(3):

**177.3(3)** The Iowa Hospital Association shall collect, maintain, and disseminate hospital inpatient, outpatient, and ambulatory information pursuant to a memorandum of understanding with the department. The Iowa Hospital Association shall submit data to the department pursuant to the memorandum of understanding.

ITEM 3. Amend rule 641—177.4(76GA,ch1212) as follows:

**641—177.4(76GA,ch1212) Department studies.** The department ~~shall~~ may conduct special studies consistent with the intent of 1996 Iowa Acts, chapter 1212, using data collected in accordance with subrule 177.3(1). In conducting such studies, the department may utilize the services of a contractor.

ITEM 4. Amend rule 641—177.6(76GA,ch1212) as follows:

**641—177.6(76GA,ch1212) Patient confidentiality.** The department shall protect patient confidentiality. Confidential records or parts of such records collected as a part of this process shall be kept confidential. ~~Individual patient names shall not be collected to protect patient confidentiality.~~ All health data shall be collected, maintained, and disseminated only in accordance with Iowa and federal law.

ITEM 5. Rescind and reserve rule **641—177.7(76GA,ch1212)**.

ITEM 6. Amend rule 641—177.8(76GA,ch1212) as follows:

**641—177.8(76GA,ch1212) Address and specification for data submissions.** Data required to be submitted pursuant to this chapter shall be sent by agencies and health care providers, or their representatives, to the Iowa Department of Public Health, ~~Center for Health Statistics, Lucas State Office Building, East 12th and Grand Avenue, Des Moines, Iowa 50319~~ by the means and time frame specified by the department.

~~Data required to be submitted pursuant to this rule shall be sent in the form designated by the department within 30 days following the six-month calendar periods ending in June and December.~~

ITEM 7. Amend **641—Chapter 177**, implementation sentence, as follows:

These rules are intended to implement 1996 Iowa Acts, chapter 1212, section 5, and Iowa Code section 135.166.